

Town of Purcellville

221 S. Nursery Avenue Purcellville, VA 20132
(540)338-7421 Fax (540)338-6205

Appeal # 13-01

Appeal of Board of Architectural Review Decision Application

Date 11-26-2013 PIN 488-37-7354 & 488-37-5457 Zoning District C-4
Street Address 130 N. 21st Street (CDA13-12) & 138 N. 21st Street (CDA13-18), Purcellville, VA 20132
Name of the Appellant(s) Chapman Group, L.C. & Martinsburg Plaza, L.C.
Agent/Owner's Name Mark Nelis, Member/Manager Telephone No. (540) 338-5843
Fax No. (540) 338-3702 E-mail mnelis@nelislaw.com
Mailing Address 196 N. 21st Street, Purcellville, VA 20132

Nature of the Appeal:

See Attached: STATEMENT OF JUSTIFICATION

APPEAL OF DECISION OF BOARD OF ARCHITECTURAL REVIEW

Date of determination or notice of violation, order, requirement, or decision which is the subject of this appeal:

11-19-2013

Agent/Owner:

I have read this completed application, understand its intent and freely consent to its filing. The information provided is accurate to the best of my knowledge. I understand that the Town may deny, approve, or conditionally approve that for which I am applying. Furthermore, I grant permission to the Town or authorized government agents to enter the property and make such investigations and tests as they deem necessary.

Agent/Owner's Signature [Signature]

Date 11/26/13

For Town Use Only

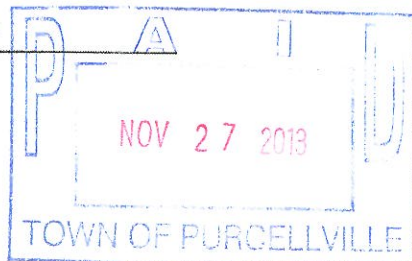
Required Submission Date: _____ Application Received: _____ Hearing Date: _____

Public Hearing Advertisement Date: _____

Fees Paid: \$ 75.00

Approved: ☐

Denied: ☐



STATEMENT OF JUSTIFICATION
APPEAL OF DECISION OF BOARD OF ARCHITECTURAL REVIEW

This statement is written in support of an appeal filed with the Town Council of Purcellville pursuant to Article 14A Section 7 of the Purcellville Zoning Ordinance. In particular Chapman Group L.C. and Martinsburg Plaza L.C. (collectively the “Appellant”), owners of several buildings located at the intersection of 21st Street and “O” Streets appeal the decision of the Board of Architectural Review (“BAR”) related to demolition applications CDA13-12 and CD 13-18. The decision of the Board prohibits the destruction of these buildings and requires the incorporation of the facades of these structures as part of the construction related to Vineyard Square, CDA 13-11. These buildings are located at 130 and 138 North 21st Street.

As set forth in Section H, Page 31 of the Design Guidelines, the Board of Architectural Review is charged to retain the historic fabric of the Town while balancing *“the needs of the property owners to make contemporary use of their property”*.

The Appellant acquired the properties over 5 years ago for exactly the stated reason – to make contemporary use of the Property. From the outset it has been the Appellant’s stated objective in numerous public hearings and workshops to replace the existing buildings with a compact downtown center. In accordance with Guideline 2F (page 32 of the Design Guidelines) the Appellant believes the removal of the buildings is consistent with the goals of the Town Comprehensive Plan.

“The extent to which retention or, in the converse, removal or relocation of the building or structure or group of structures supports goals, objectives or policies of the Town Comprehensive Plan.”

The Appellant has proposed a project, Vineyard Square, that is in conformance with the Town Comprehensive Plan, the Downtown Master Plan prepared by Hill Studio and

applicable sections of the Town Zoning Ordinance, revisions which were adopted in 2008 addressing the size and scale of the development of the Property (See Sections 9.8.3 and 9.8.4 of the C-4 district regulations).

The proposed re-development of the Property will create housing and retail opportunities in the central area of the downtown district, an area that has limited housing opportunities and few high quality retail spaces.

The impetus to this project began with the downtown charette conducted by Hill Studio as a consultant to the Town of Purcellville. The charette and the result of the charette – the Downtown Master Plan – recognized the need to construct new buildings in the downtown district to increase the diversity of land uses and economic opportunities.

The buildings proposed for demolition are beyond their economic life, having been built in an amateur fashion, significantly altered over the last few decades and cannot feasibly be preserved as part of the redevelopment of the Property. In general the buildings do not comply with Federal law in regards to handicap accessibility. The building identified as 130 North 21st Street was altered to include a vertical vinyl barn style door that covers a prior drive-through entrance to a lumber yard.

There is no alternative to demolition. The re-development of the Property includes a parking garage underneath all of the buildings fronting 21st Street. The buildings on the Property, including the buildings on 21st Street, are not capable of being relocated. The buildings along 21st Street are of masonry construction and it is not feasible to re-locate or preserve such structures.

The Town staff report to the BAR analyzes the adopted Design Guidelines for the demolition of buildings in the overlay district. The staff report contains the following findings:

- a. This building(s) has no particular architectural or historic significance.*

- b. This building is constructed of brick, concrete block, wood siding, and metal panels. All of these materials could be reproduced easily, and the building's design is not particularly unusual.*
- c. This building's date of construction is consistent with nearby buildings in Old Town; however, there is little else about this building that is distinctive.*
- d. This building does not represent a unique or rare example of an historic or architectural style or feature of Town or Loudoun County history.*
- e. This building has a similar scale and character to other buildings along North 21st Street, but a newly constructed building could easily serve the same purposes.*
- f. As stated previously, the 2006 Town Comprehensive Plan strongly supports the preservation of the town's historic resources, yet the façade of the northern half of 130 N 21st Street was specifically noted as a substandard façade needing improvement in the 2005 Purcellville Downtown Master Plan, (a similar finding was made for 138 N 21st Street.*

The Appellant has designed a mixed-use pedestrian oriented center and the existing buildings fail to comply with current building codes, are not structurally sound for any development, and do not meet any criteria for the contemporary use of the Property. The location of the buildings at 130 and 138 North 21st Street compromise the size of the planned pedestrian sidewalk, along 21st Street. The sidewalk along these facades presently creates a narrow sidewalk. Keeping the building facades that encroach upon a planned wider pedestrian area would be inconsistent both with the Downtown Plan and the Town Comprehensive Plan.